



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,146	07/25/2002	Martin Hans	10191/2215	1452
26646	7590	05/25/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			TRAN, CONGVAN	
		ART UNIT		PAPER NUMBER
		2683		

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,146	HANS ET AL.	
	Examiner	Art Unit	
	CongVan Tran	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 January 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-73 is/are pending in the application.

4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 30-73 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) ✓
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/02.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This office action is in response to amendment filed on Jan. 03, 2005.
2. Claims 1-29 have been canceled.
3. Claims 30-63, 66-68, and 70-72 have been amended.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 30-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (6,609,003).

Regarding claims 30, 47, 53, 61, 66 Park discloses a handoff method in a mobile communication system, comprising the step of: transmitting a first message with the signaling information from the transmitting station to the receiving station, the first message including information regarding whether data to be sent is processed in one of the transmitting station (see fig.5A, elements BS#A, MS, fig.5B, steps 511-517, and its description) and an additional transmitting station successively assigned to the receiving station to increase reception quality of the data to be sent at the receiving station, in accordance with measures relating to a transmission channel between the receiving

station and at least one of the transmitting station and the additional transmitting station(see fig.5A, elements BS#B, MS fig.5B, and its description).

Regarding claims 31, 48, 62, 67, and 72, Park further discloses wherein the transmitting station includes a base station (see fig.5a, elements BS#A, and its description).

Regarding claims 32, 54, 63, 68, and 71, Park further discloses wherein the receiving station includes mobile station (see fig.5a, elements MS and its description).

Regarding claims 33-34, 55-56, Park further discloses, wherein the first message includes information regarding whether data to be sent is processed in the one of the transmitting station and the additional transmitting station in accordance with a change of the receiving station from a first radio cell to a second radio cell of a radio network (see fig.5A, elements BS#A, BS#B, MS, fig.5B, and its description).

Regarding claims 35-46, 49-52, 57-60, 64-65, and 69, Park further discloses a first selection management configured to select, as a function of the first message analyzed by the first evaluation arrangement, a detection arrangement configured to detect the data to be sent by one of the transmitting station and the additional transmitting station (see fig.5A. element BS#A, BS#B, MS, fig.5B, and its description).

Regarding claims 70, 73, Park discloses a handoff method in a mobile communication system, comprising the step of: transmitting information with the message element regarding which types of processing of signals to be sent by one of the transmitting station and an additional transmitting station successively assigned to the receiving station are supported by the slave receiving station in a detection of the

signals to be sent to increase a reception quality at the receiving station (see fig.5A, BS#A, BS#B, MS, fig.5B and its description).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Primary Examiner
Art Unit 2683

May 21, 2005.